

EXHIBIT 1

(State Court pleadings)



Notice of Service of Process

null / ALL
Transmittal Number: 24130701
Date Processed: 11/30/2021

Primary Contact: Heather McClow
Lowe's Companies, Inc.
1000 Lowes Blvd
Mooresville, NC 28117-8520

Entity: Lowe's Home Centers, LLC
Entity ID Number 2515365

Entity Served: Lowe's Home Centers, LLC

Title of Action: Rosa Manigo vs. Lowe's Home Centers, LLC

Matter Name/ID: In Re: Rosa Manigo (9857389)

Document(s) Type: Summons/Complaint

Nature of Action: Personal Injury

Court/Agency: Orangeburg County Court of Common Pleas, SC

Case/Reference No: 2021CP3801330

Jurisdiction Served: South Carolina

Date Served on CSC: 11/29/2021

Answer or Appearance Due: 30 Days

Originally Served On: CSC

How Served: Certified Mail

Sender Information: Bamberg Legal, LLC
803-956-5088

Information contained on this transmittal form is for record keeping, notification and forwarding the attached document(s). It does not constitute a legal opinion. The recipient is responsible for interpreting the documents and taking appropriate action.

To avoid potential delay, please do not send your response to CSC

251 Little Falls Drive, Wilmington, Delaware 19808-1674 (888) 690-2882 | sop@cscglobal.com



November 22, 2021

Via USPS Certified Mail-RRR-70210350000017728885

Lowes Home Centers, LLC
c/o Corporation Service Company
508 Meeting Street
West Columbia, SC 29169

RE: Rosa Manigo v. Lowes Home Centers, Inc., et al
Case No: 2021-CP-38-01330

Dear Sir or Madam:

I hope that this letter finds you doing well. Enclosed and hereby served upon you as registered agent of service for Lowes Home Centers, LLC, please find the **Summons and Complaint** in the above-referenced matter.

With kind regards, I remain truly yours,

Melissa J. Matthews, Paralegal to
Adam C. Ness, Esq.

/mjm

Enclosure(s): as noted.

Mailing Address

104 Bridge Street
Bamberg, SC 29003

Office Locations

104 Bridge Street
Bamberg, SC 29003

870 John C. Calhoun Drive
Orangeburg, SC 29115

Phone • Fax • Web

phone 803.956.5088 • fax 803.956.5094
bamberglegal.com



STATE OF SOUTH CAROLINA
COUNTY OF ORANGEBURG

IN THE COURT OF COMMON PLEAS
FIRST JUDICIAL CIRCUIT
DOCKET NO.: 2021-CP-38-

Rosa Manigo,

PLAINTIFF(S),

v.

Lowe's Home Centers, LLC, and Lowe's Store
Manager John Doe,

DEFENDANT(S).

SUMMONS

(jury trial demanded)

TO THE DEFENDANT(S) ABOVE NAMED:

YOU ARE HEREBY SUMMONED and required to answer the Complaint in this action, a copy of which is herewith served upon you, and to serve a copy of your Answer to the said Complaint on the Plaintiff(s) or his/her attorney(s), Bamberg Legal, LLC, at their office at 104 Bridge Street, Bamberg, South Carolina, within thirty (30) days after service hereof, exclusive of the day of such service; and, if you fail to answer the Complaint within the time aforesaid, judgment by default will be rendered against you for the relief demanded in the Complaint.

Dated this 18th day of November, 2021, in Bamberg, South Carolina.

BY: s/ Adam C. Ness
Justin T. Bamberg, Esquire
Adam C. Ness, Esquire
BAMBERG LEGAL, LLC
104 Bridge Street
Bamberg, South Carolina 29003
Phone: (803) 956-5088
Fax: (803) 956-5094
jbamberg@bamberglegal.com
acness@bamberglegal.com
Attorneys for the Plaintiff

STATE OF SOUTH CAROLINA
COUNTY OF ORANGEBURG

IN THE COURT OF COMMON PLEAS
FIRST JUDICIAL CIRCUIT
DOCKET NO.: 2021-CP-38-

Rosa Manigo,

PLAINTIFF(S),

v.

Lowe's Home Centers, LLC, and Lowe's Store
Manager John Doe,

DEFENDANT(S).

COMPLAINT
(jury trial demanded)

The plaintiff(s) would respectfully allege and show unto the Court:

1. That the plaintiff(s) is a citizen and resident of the County of Bamberg, State of South Carolina; that defendant, Lowe's Home Centers, LLC, ("Lowe's") is a foreign limited liability company, authorized to do business in South Carolina, with its principal place of business in North Carolina.
2. Defendant Lowe's owns and operates a retail business in the County of Orangeburg, State of South Carolina, and owns property in the County of Orangeburg, State of South Carolina, located at 2896 North Road, Highway 178, Orangeburg, SC 29118.
3. Upon information and belief, Defendant Lowe's Store Manager John Doe, unknown and unidentified managers, are citizens and residents of the County of Orangeburg, State of South Carolina.
4. On or about 11/22/2019, Plaintiff(s) was walking and shopping inside the Orangeburg Lowe's when she was struck from behind by an overloaded pallet mover.
5. Upon information and belief, Defendant Manager(s) had sufficient control over the operation and management of the premises including the oversight of the building and its

employees, as well as the practices and procedures in place at the store, or the lack thereof, to avoid the creation of such hazardous conditions.

6. Defendant Manager(s) knew or should have known of the dangerous condition present on the retail floor which led to Plaintiff's injuries. Yet, Defendant Manager(s) failed to take appropriate action to remove said danger.
7. Defendant Lowe's is vicariously liable for the conduct of its employee, Defendant Manager(s), and thus likewise liable for the condition of the retail floor which led to Plaintiff's injuries.
8. As a result of this above incident, Plaintiff(s) suffered serious injuries which required and will in the future cause her to endure great physical pain, suffering, mental anguish, emotional distress, and impairment of health and bodily efficiency. These injuries have also caused her to be under the continued care of a doctor, incurring medical expenses as well as future medical expenses. Plaintiff(s) has suffered serious injuries, will experience future pain and suffering, and incur future medical bills.
9. Defendants either knew or should have known that a pallet mover should not be loaded above the head level of the employee operator so as to create a needless risk and hazardous condition for business invitees, including Plaintiff(s).
10. Defendants, acting by and through the acts and/or omissions of their agents, servants, and/or employees who were acting within the course and scope of said agency, service, and/or employment, were negligent, careless, reckless, grossly negligent, willful, and wanton at the time and place above-mentioned in the following particulars:
 - (a) In causing and permitting a pallet mover to be overloaded and operated in that condition, so as to create a dangerous condition which Defendants knew or should have known created an unreasonable risk of injury to customers;

- (b) In failing to take reasonable precautions to maintain and monitor the pallet movers and their operators and their placement and in allowing business invitees to be exposed to hazardous conditions by failing to do so;
- (c) In failing to take reasonable measures to maintain and monitor the condition of customer shopping and walking areas, which led to the unreasonable exposure of customers, including Plaintiff, to hazardous conditions;
- (d) In failing to properly hire, fire, train, and instruct personnel on reasonable methods of inspecting, maintaining, loading, and monitoring pallet movers so as to prevent customers from unreasonable risk of injury;
- (e) In failing to adequately hire, fire, train, supervise, and oversee personnel to insure they were carrying out their responsibilities in a reasonable fashion;
- (f) In failing to maintain pallet movers in a safe condition and location so as to prevent the risk of injury to its business invitees;
- (g) In failing to make reasonable inspections of the premises to prevent the risk of injury to its business invitees;
- (h) In failing to warn their business invitees of the unreasonable risk of injury;
- (i) In failing to operate pallet movers with proper load levels and with proper warning signals;
- (j) In failing to use the degree of care and caution that a reasonably prudent business establishment would have used under the same or similar circumstances; and
- (k) In such other and further particulars as the evidence in trial may show.

11. Such actions and/or inactions by Defendants combined and concurred as a direct and proximate cause of the injuries and damages suffered by Plaintiff(s) herein, said acts being in violation of the statutes and common laws of the State of South Carolina.
12. WHEREFORE, Plaintiff prays for judgment against Defendants for actual and punitive damages as may be determined by the trier of fact, costs of this action and for such other and further relief as this Court may deem just and proper.

Dated this 18th day of November, 2021, in Bamberg, South Carolina.

BY: s/ Adam C. Ness
Justin T. Bamberg, Esquire
Adam C. Ness, Esquire
BAMBERG LEGAL, LLC
104 Bridge Street
Bamberg, South Carolina 29003
Phone: (803) 956-5088
Fax: (803) 956-5094
jbamberg@bamberglegal.com
acness@bamberglegal.com
Attorneys for the Plaintiff

STATE OF SOUTH CAROLINA
COUNTY OF ORANGEBURG

IN THE COURT OF COMMON PLEAS
IN THE FIRST JUDICIAL CIRCUIT

Rosa Manigo,

Case No. 2021-CP-38-01330

Plaintiff,

v.

CERTIFICATE OF SERVICE

Lowe's Home Centers, LLC, and Lowe's
Store Manager John Doe,

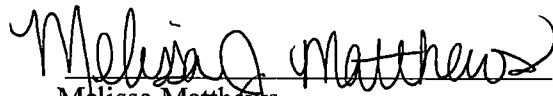
Defendants.

I, Melissa J. Matthews, Paralegal for Adam C. Ness, attorney for the Plaintiff in the matter of Rosa Manigo v. Lowe's Home Centers, LLC, and Lowe's Store Manager John Doe hereby certify that I have served the foregoing **Summons and Complaint** by mailing a copy of same, with postage pre-paid, by United State mail to the Defendant at the address indicated below:

Via USPS Delivery, Certified Mail, Return Receipt Requested-

Lowe's Home Centers, LLC
c/o Corporation Service Company
508 Meeting Street
West Columbia, SC 29169

BAMBERG LEGAL, LLC



Melissa Matthews
Paralegal for Adam C. Ness, Esq.
Attorney for Plaintiff

104 Bridge Street
Bamberg, South Carolina 29003
P:803-956-5088
F:803-956-5094

November 22, 2021
Bamberg, South Carolina



BAMBERG
LEGAL, LLC



7021 0350 0000 1772 8885



Lowe's Home Centers, LLC
c/o Corporation Service Company
508 Meeting Street
West Columbia SC 29169-7535



\$7.330
US POSTAGE
FIRST CLASS
FROM 29003
11/22/2021
stamps
endicia



062S0009565006

104 Bridge Street, • Bamberg, SC 29003

29169-753508

